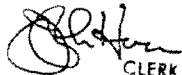


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
OCT 09 2014  
  
CLERK

\*\*\*\*\*

VICTOR R. ZIEGLER, SR.,

Plaintiff,

vs.

KEN SALAZAR, Secretary,  
Department of Interior;  
PAT RAGSDALE, Gov. Official; and  
CARL RENVILLE, Gov. Official,

Defendants.

CIV 12-4042

ORDER

\*\*\*\*\*

Court staff received a request that the Defendants be allowed to present the testimony of a witness by video from a remote location, Colorado. The witness in question is an Administrative Law Judge who adjudicated on a case of Plaintiff Ziegler.

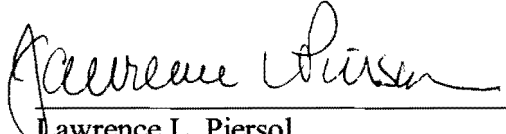
The proper way to approach such a request is to file a Motion with the Court but in the interest of time the Court is answering the question. The parties are referred to Rule 43(a) which provides in part: "For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location." No such showing has been made and the request at this point is denied. See also *Parkhurst v. Belt*, 567 F.3d 995 (8th Cir. 2009); and 9A *Federal Practice and Procedure, Civil* § 2414, (3d ed.).

If the parties stipulated to the video testimony, then testimony could be presented in that manner. In addition, if the parties take a deposition before trial the testimony could be presented in that manner.

IT IS SO ORDERED.

Dated this 9<sup>th</sup> day of October, 2014.

BY THE COURT:

  
\_\_\_\_\_  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: \_\_\_\_\_  
DEPUTY